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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,279	09/24/2003	Volker Claudi	02167	3511
7590	12/07/2004		EXAMINER SMITH, ARTHUR A	
Walter Ottesen Patent Attorney P.O. BOX 4026 Gaithersburg, MD 20885-4026			ART UNIT 2851	PAPER NUMBER

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/668,279

**Applicant(s)**

CLAUDI ET AL.

**Examiner**

Arthur A Smith

**Art Unit**

2851

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/24/03; 04/02/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 09/24/02. It is noted, however, that applicant has not filed a certified copy of the 10244669.5 application as required by 35 U.S.C. 119(b).

### ***Information Disclosure Statement***

The Information Disclosure Statement filed on 09/24/03 has not been fully considered since a copy of the foreign reference DE 2825505, along with a translation or an explanation of relevance, has not provided.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Gesualdi (US 2679197), supplied by applicant.

Gesualdi discloses an arrangement for holding a camera rearward of an ocular of a glass in the form of a monocular or a binocular with said ocular defining an optical

axis, the arrangement comprising: means for pivoting said camera about a point lying approximately on the optical axis of said ocular, see fig. 1.

Claims 1-13, 15 and 17-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Takeda (US 6791769 B2).

In reference to claims 1 and 17, Takeda discloses an arrangement for holding a camera rearward of an ocular of a glass in the form of a monocular or a binocular, col. 4 lines 51-63, the arrangement comprising: a mount, ref. 20, for holding said camera rearward of said ocular of said glass, see fig. 1; an attachment element, ref. 28, on said glass whereat said glass can be connected to a stand; and, a base, ref. 32, connected to said mount and having an attachment device (combination of ref. 33 and 40) for attaching said base to said glass at said attachment element, col. 6 lines 56-67.

In reference to claim 2, Takeda discloses wherein said attachment element a first attachment element and said base having a base attachment element formed therein whereat said arrangement can be connected stand, col. 1 lines 10-13.

In reference to claim 3, Takeda discloses wherein said base attachment element being shifted in the direction of said ocular with reference to said first attachment element, col. 7 lines 42-51.

In reference to claim 4, Takeda discloses wherein said camera, said glass and said arrangement conjointly define a system having a center of gravity; and, said base has a plurality of said base attachment elements formed therein whereat said arrangement can be connected to a stand; and, said base attachment elements being

formed in said base so that always one of said base attachment elements disposed in the region of said center of gravity, see fig. 1 and col. 1 lines 10-13.

In reference to claim 5, Takeda discloses wherein said camera is connected to said base via a joint, ref. 52 and 54.

In reference to claims 6, 9, 18 and 21, Takeda discloses wherein said joint is a rotational joint, col. 6 lines 43-55.

The arrangement of claims 7, 8, 19 and 20, wherein said rotational joint has at least one detent position (a plurality of detent positions through the loosening of 54).

In reference to claim 10, Takeda discloses wherein said camera is connected to said base via a rotational joint; and, said rotational joint lies between said base attachment element and vertical from the end surface of said ocular, see fig. 1.

In reference to claims 11 and 22, Takeda discloses a length adjusting device, ref. 23, for changing the horizontal distance between said mount and said attachment device, col. 4 lines 1-9.

In reference to claims 12 and 23, Takeda discloses an elevation adjusting device, ref. 52, for varying the vertical distance between said base and said mount, col. 6 lines 43-55.

In reference to claims 13 and 24, Takeda discloses a lateral adjusting device for adjusting the position of the objective of said camera relative to said ocular, col. 4 lines 51-64.

In reference to claims 15 and 16, Takeda discloses an arrangement for holding a camera rearward of an ocular of a glass in the form of a monocular or a binocular with

Art Unit: 2851

said ocular defining an optical axis, the arrangement comprising: means for pivoting said camera about a point lying approximately on the optical axis of said ocular, see fig. 1 and col. 6 lines 43-55.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 16 and 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda (US 6791769 B2) in view of Haile-mariam (US 2001/0000300 A1).

Takeda discloses an arrangement for holding a camera rearward of an ocular of a glass in the form of a monocular or a binocular, col. 4 lines 51-63, the arrangement comprising: a base, ref. 32, attached to said glass; said base including a joint, (by means of screws ref. 52 and 54); and means connected to said joint for pivoting said camera away from said ocular, col. 6 lines 43-55. Takeda does not disclose that the joint is a ball joint. Haile-mairam discloses that for a support device ball joints and set screws are interchangeable, paragraph 67. It would be have been obvious to one of ordinary skill in the art to realize that a ball joint instead of a set screw could have been used in the device of Takeda. This would have been done since these devices have been shown to be equivalent of each other.

### ***Conclusion***

Art Unit: 2851

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Crockett (US 2002/0197075 A1) and Baerwolf et al. (US 6019326) both disclose arrangements for holding a camera rearward of a monocular or binocular.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (571) 272 2129. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (572) 272 2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur A. Smith  
December 1, 2004